



**US Army Corps
of Engineers**
Portland District

PUBLIC NOTICE

for PERMIT APPLICATION

Issue Date: August 11, 2004

Expiration Date: September 10, 2004

Corps of Engineers Action ID: 200400399

Oregon Division of State Lands Number: 32508

30 Day Notice

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States, as described below and shown on the attached plan.

Comments: Comments on the described work should reference the U.S. Army Corps of Engineers number shown above and should reach this office no later than the above expiration date of this Public Notice to become part of the record and be considered in the decision. Comments should be mailed to the following address:

U.S. Army Corps of Engineers
ATTN: CENWP-OP-GP (Mr. John L Ferrise)
P.O. Box 2946
Portland, Oregon 97208-2946

Applicant: DR Horton
4386 S.W. Macadan Ave., Ste 102
Portland, Oregon 97239

Location: At the intersection of Knox Butte Road and Goldfish Farm Road, within Section 3, Township 3 North, Range 11 West, at Albany, Linn County, Oregon.

Project Description: The applicant proposes to fill 0.99 acres of wetlands that include palustrine forested wetlands and farmed wetlands, for the construction of 203 building units in 34.48 acre Brookstone Estates Subdivision. The project will require filling wetlands adjacent to Burkhart Creek to allow construction of roads, utilities and residential housing units within the subdivision.

NOTE: An additional 1.01 acres of isolated wetlands would be filled for the construction of the subdivision; however, the filling of isolated wetlands does not require a Corps of Engineers permit and therefore will not be considered in this public notice.

Mitigation: The applicant proposes onsite compensatory mitigation adjacent to Burkhart Creek abutting the proposed subdivision on the east side. The mitigation would create 3.0 acres of palustrine forested wetlands.

If a permit is issued, the Corps will determine what is appropriate and practicable compensatory mitigation. The amount of compensatory mitigation required shall be commensurate with the anticipated impacts of the project.

Purpose: The purpose of the construction is to develop a profitable housing development for the population of Albany.

Drawings: Ten (10) drawings identified as Brookstone Estates, Corps File No. 200400399.

Additional Information: Additional information may be obtained from Mr. John Ferrise, Project Manager, U.S. Army Corps of Engineers at (503) 808-4391.

Authority: This permit will be issued or denied under the following:

Section 404, Clean Water Act (33 U.S.C. 1344), for discharge of dredged or fill material into waters of the United States.

Water Quality Certification: A permit for the described work will not be issued until certification, as required under Section 401 of the Clean Water Act (P.L. 95-217), has been received or is waived from the certifying state. Attached is the state's notice advertising the request for certification.

Section 404(b)(1) Evaluation: The impact of the activity on the public interest will be evaluated in accordance with the Environmental Protection Agency guidelines pursuant to Section 404(b)(1) of the Clean Water Act.

Public Hearing: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Endangered Species: Preliminary determinations indicate that the described activity will not affect endangered species, or their critical habitat designated as endangered or threatened, under the Endangered Species Act of 1973 (87 Stat. 844). Formal consultation under Section 7 of the Act is not required for the described activity.

Cultural Resources: The described activity is not located on property registered or eligible for registration in the latest published version of the National Register of Historic Places. This notice has been provided to the State Historic Preservation Office.

Evaluation: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the described activity will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the

impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Additional Requirements: State law requires that leases, easements, or permits be obtained for certain works or activity in the described waters. These State requirements must be met, where applicable, and a Department of the Army permit must be obtained before any work within the applicable Statutory Authority, previously indicated, may be accomplished. Other local governmental agencies may also have ordinances or requirements, which must be satisfied before the work is accomplished.

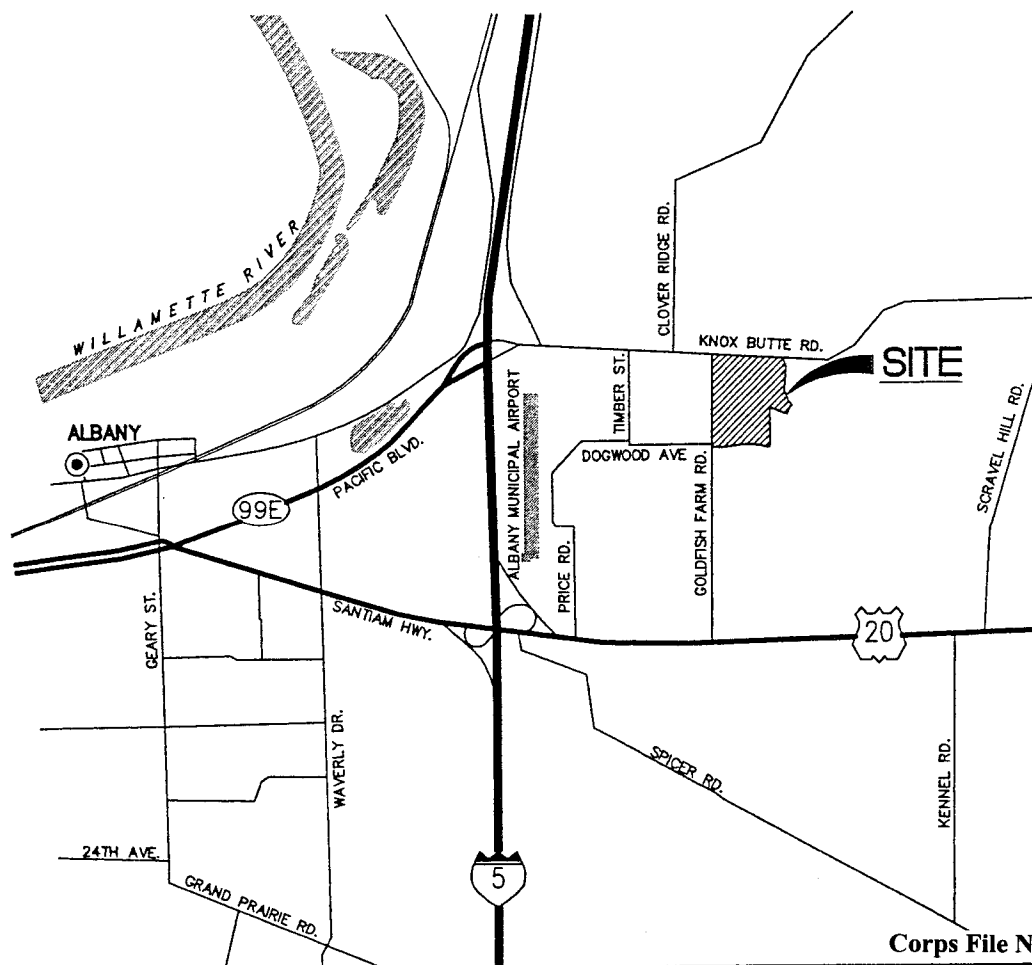
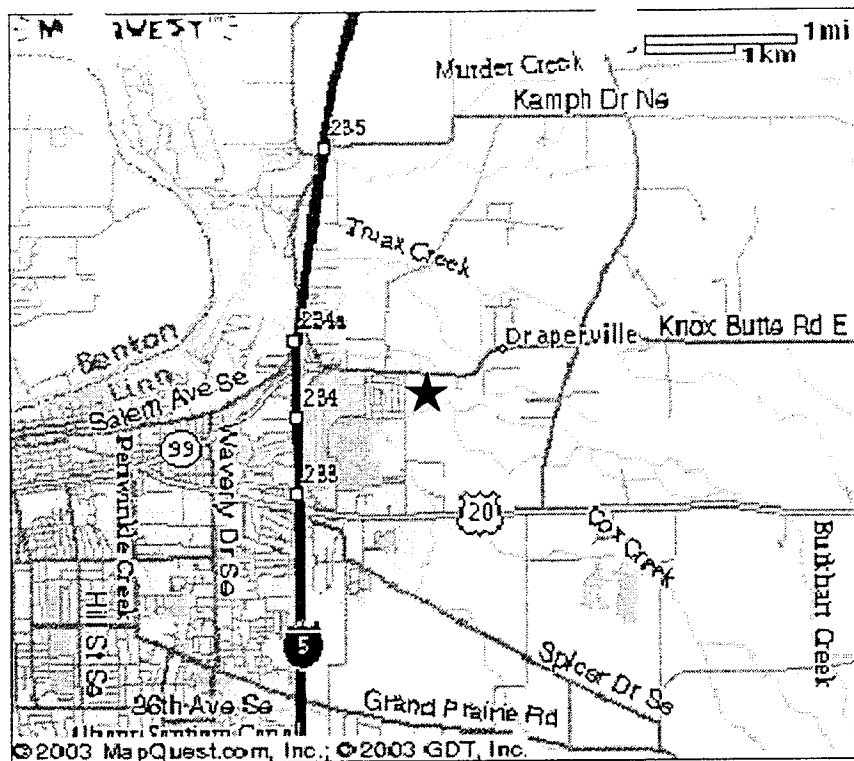


Figure 1

Corps File No. 200400399

W R G
DESIGN INC.

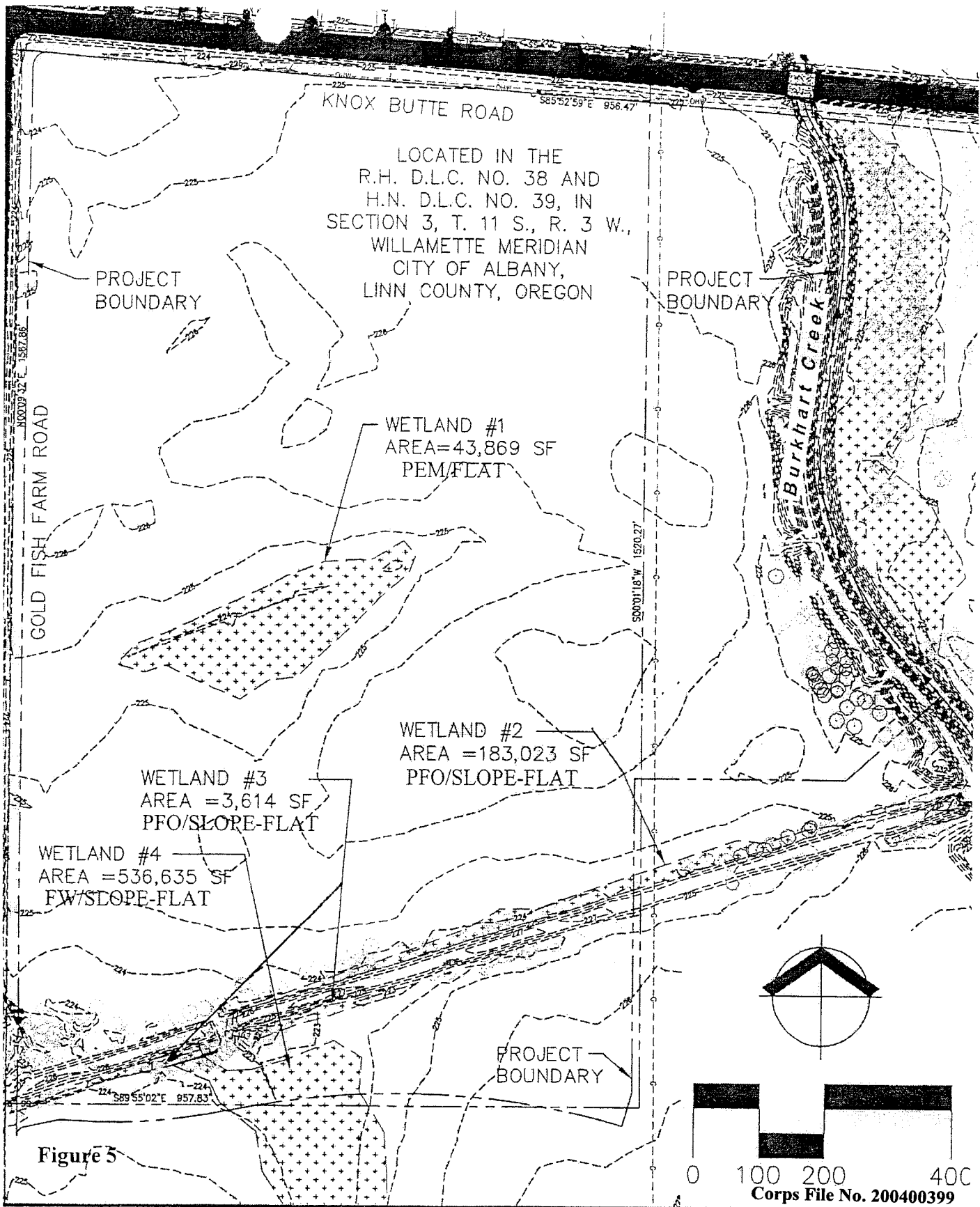
5415 SW Westgate Dr., Ste 100 Portland, OR 97221
Tel. 503.419.2500 Fax. 503.419.2600

PLANNERS • ENGINEERS • LANDSCAPE ARCHITECTS • SURVEYORS

SITE VICINITY MAP BROOKSTONE ESTATES

DR HORTON, INC.
ALBANY, OREGON

PROJECT NO. DRH3274
DATE: 03/08/04
BY: RDB
SCALE: N.T.S.
SHEET NO. 1



W R G
E S I G N I N C.

1 SW Wasigate Dr, Ste 100 Portland, OR 97221
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EXISTING CONDITIONS MAP BROOKSTONE ESTATES

DR HORTON, INC.

PROJECT NO. DRH3274
DATE: 03/08/04
BY: RDB
SCALE: 1"=200'
SHEET NO. 2

GOLD FISH FARM ROAD

KNOX BUTTE ROAD

PROJECT
BOUNDARY

PROJECT
BOUNDARY

Mitigation
Area (Creation)

Burkhart Creek

Mitigation
Area (Creation)

WETLAND #1
IMPACT AREA=1.01 ACRES
FULL=3,575 CY

WETLAND #2
IMPACT AREA=0.41 ACRES
FILL=1,325 CY

WETLAND #3
IMPACT AREA=0.08 ACRES
FILL=509 CY

WETLAND #4
IMPACT AREA=0.50 ACRES
FILL=1,628 CY

PROJECT
BOUNDARY

LEGEND:

PROJECT BOUNDARY LINE
PROPOSED LOT LINE

WETLANDS
Corps File No. 200400399

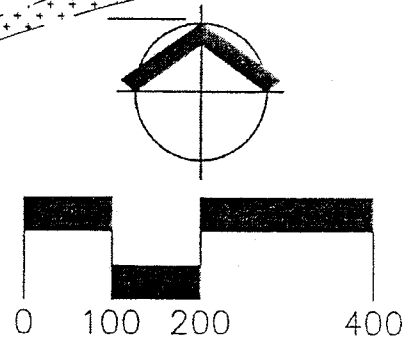


Figure 2

F

W R G
DESIGN INC.

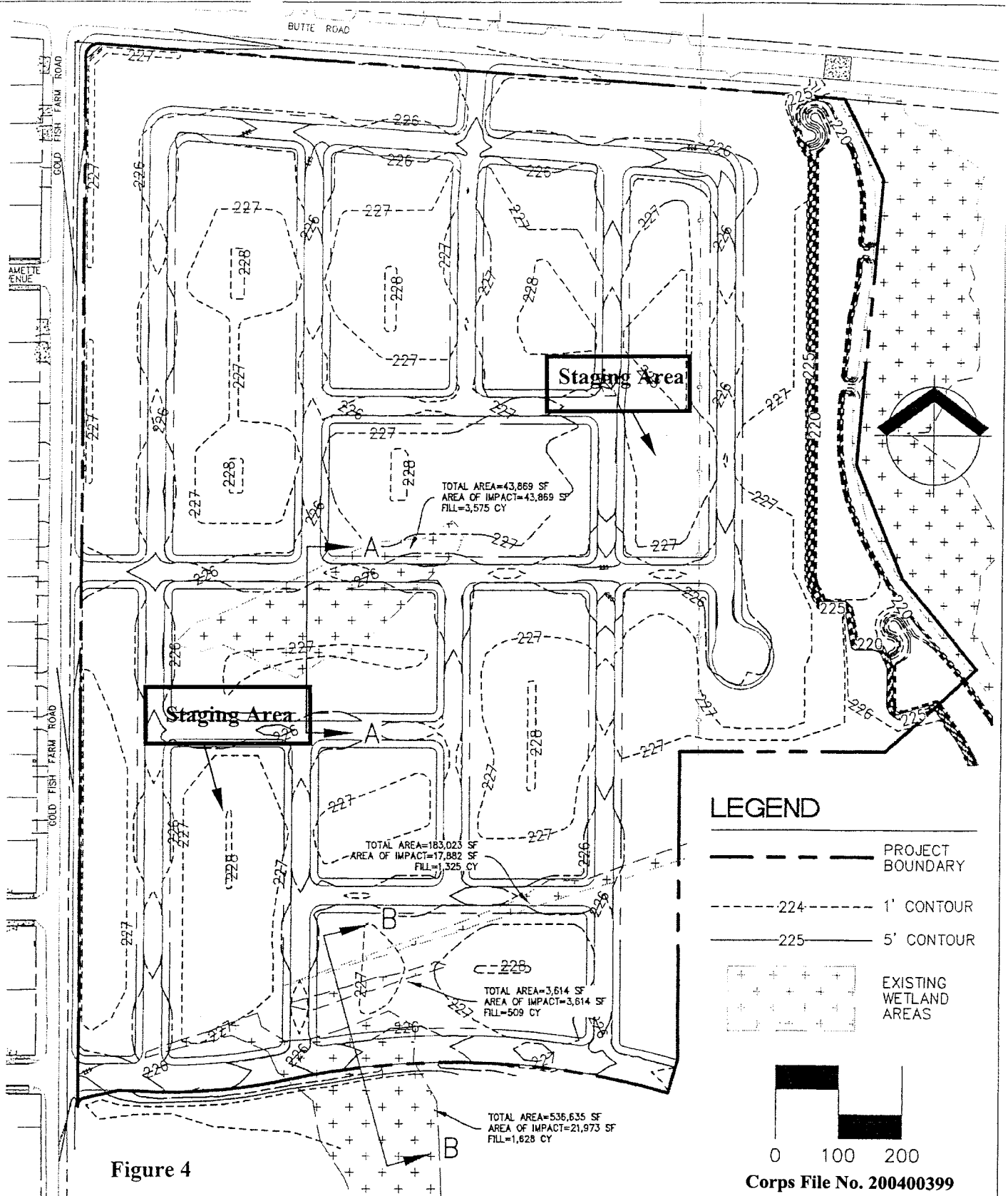
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SITE DEVELOPMENT PLAN BROOKSTONE ESTATES

DR HORTON, INC.
ALBANY, OREGON

PROJECT NO. DRH3274
DATE: 03/08/04
BY: RDB
SCALE: 1"=200'
SHEET NO. 3



W R G
DESIGN INC.

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GRADING PLAN BROOKSTONE ESTATES

D.R. Horton, Inc. - Portland
Albany, Oregon

PROJECT NO. DRH3274
DATE: 03/31/04
BY: K. NORDIN
SCALE: 1"=200'
SHEET NO. 4

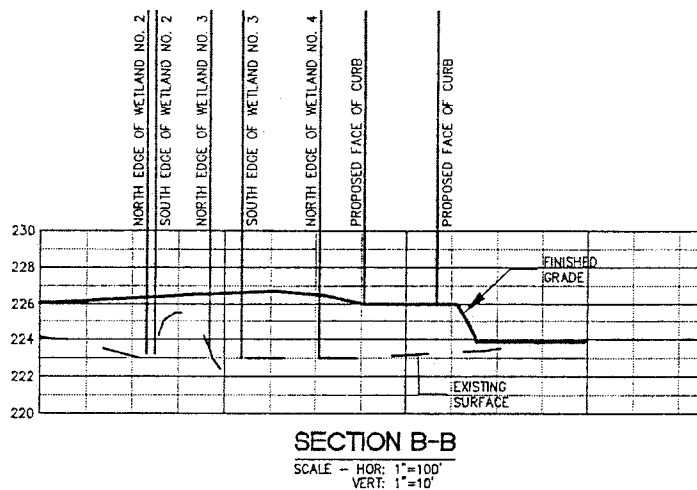
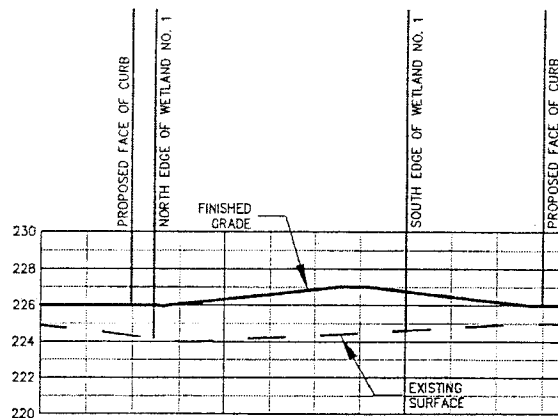


Figure 6

Corps File No. 200400399

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DESIGN INC.

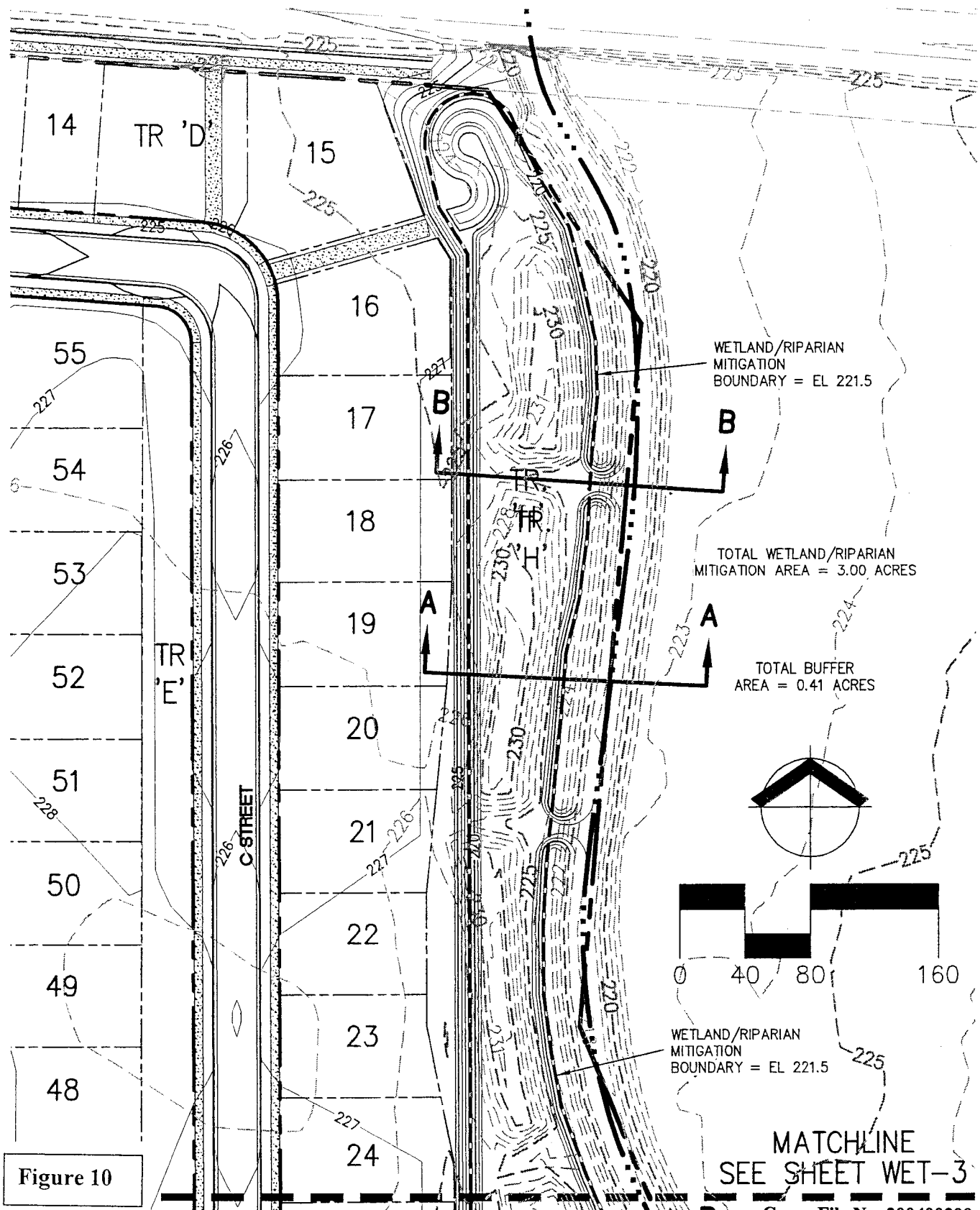
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WETLAND CROSS SECTIONS BROOKSTONE ESTATES

D.R. Horton, Inc. - Portland
Albany, Oregon

PROJECT NO. DRH3274
DATE: 03/10/04
BY: K. NORDIN
SCALE: AS NOTED
SHEET NO. 5



Corps File No. 200400399

PROJECT NO. DRH3274

DATE: 05/12/04

BY: K. NORDIN

SCALE: 1"=80'

SHEET NO. WET-2

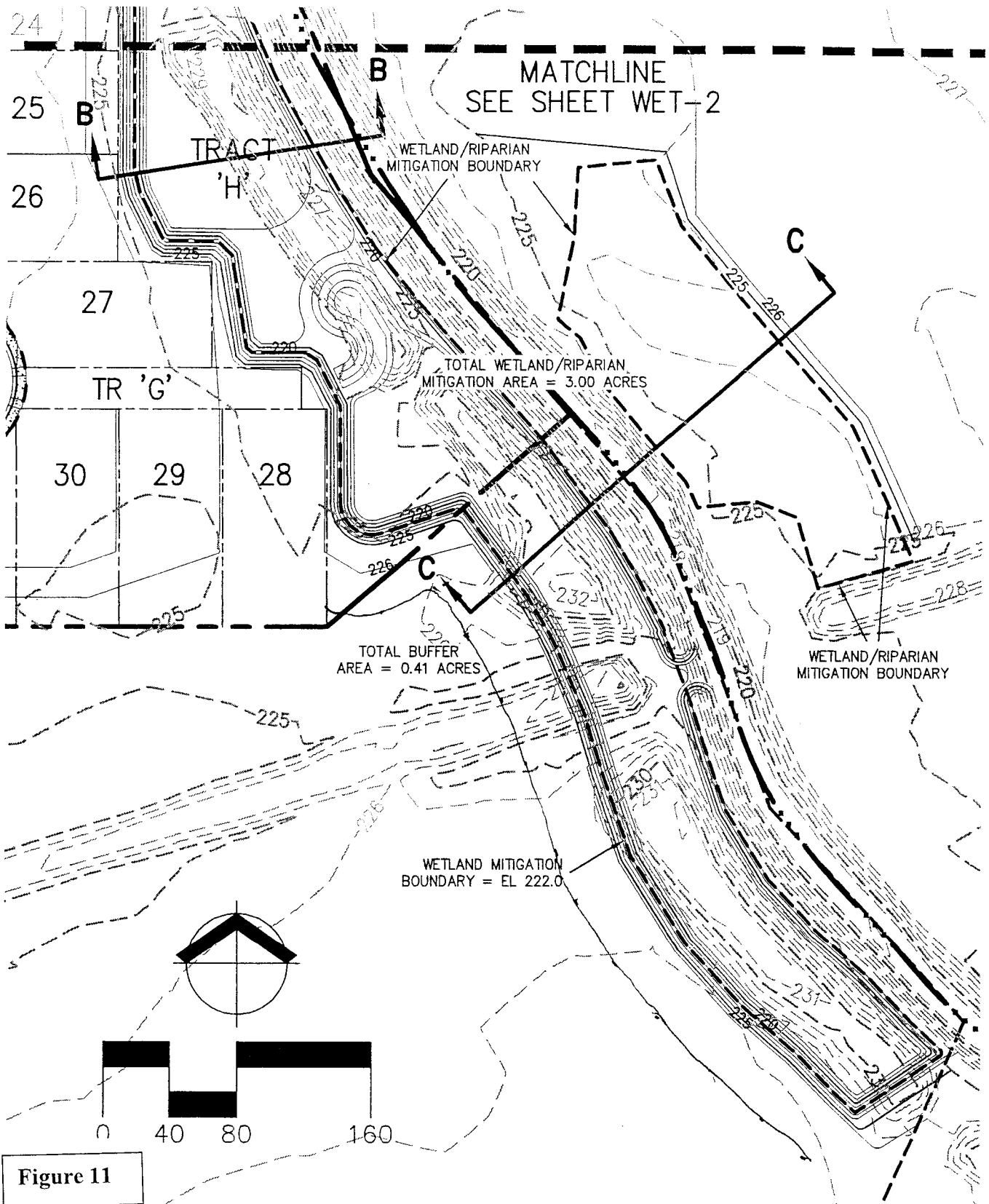


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WETLAND MITIGATION EXHIBIT BROOKSTONE ESTATES

D.R. Horton, Inc. - Portland
Albany, Oregon



Corps File No. 200400399

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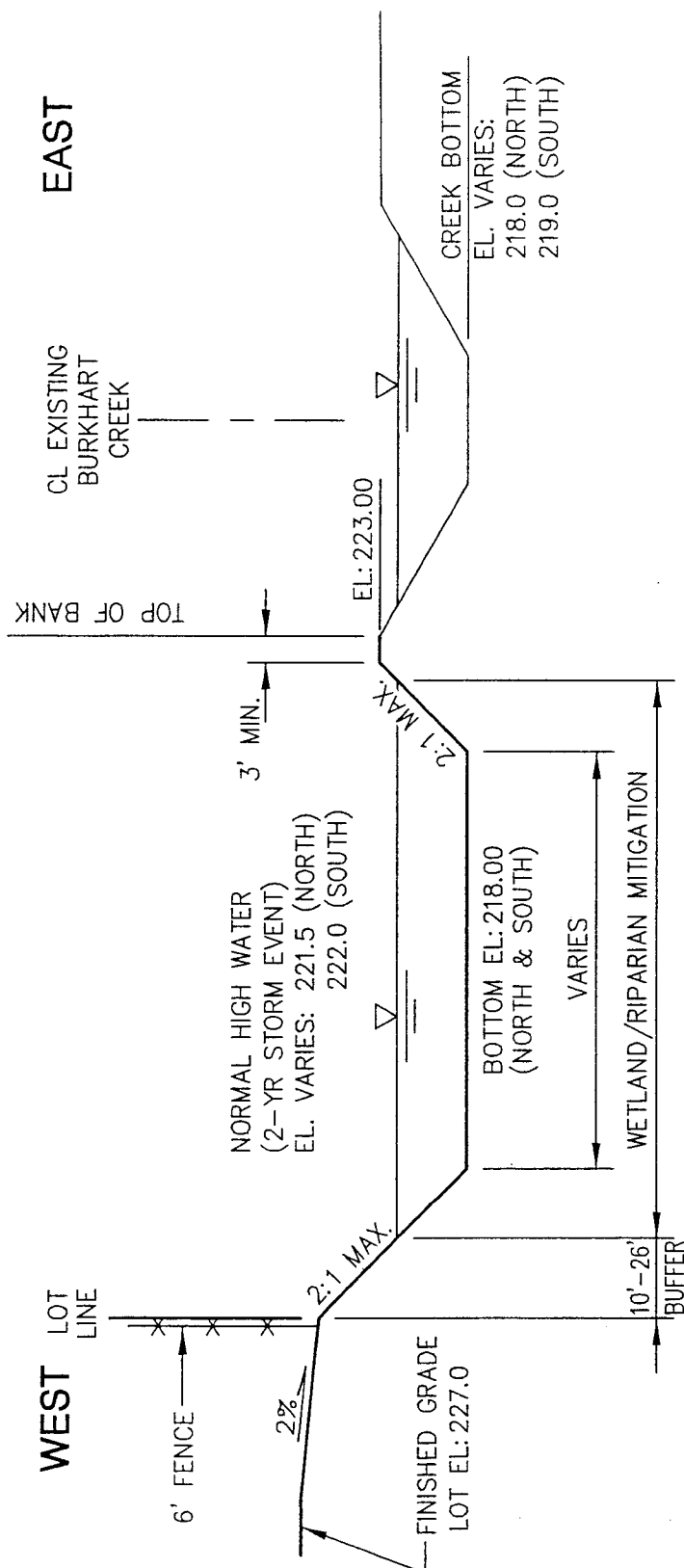
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WETLAND MITIGATION EXHIBIT BROOKSTONE ESTATES

D.R. Horton, Inc. - Portland
Albany, Oregon

PROJECT NO. DRH3274
DATE: 05/12/04
BY: K. NORDIN
SCALE: 1"=80'
SHEET NO. WET-3

Figure 12



TYPICAL SECTION A-A

SCALE: 1"=20' HORZ.
1"=10' VERT.

Corps File No. 200400399

PROJECT NO. DRH3274

DATE: 05/12/04

BY: K. NORDIN

SCALE: AS NOTED

SHEET NO. WET-1A



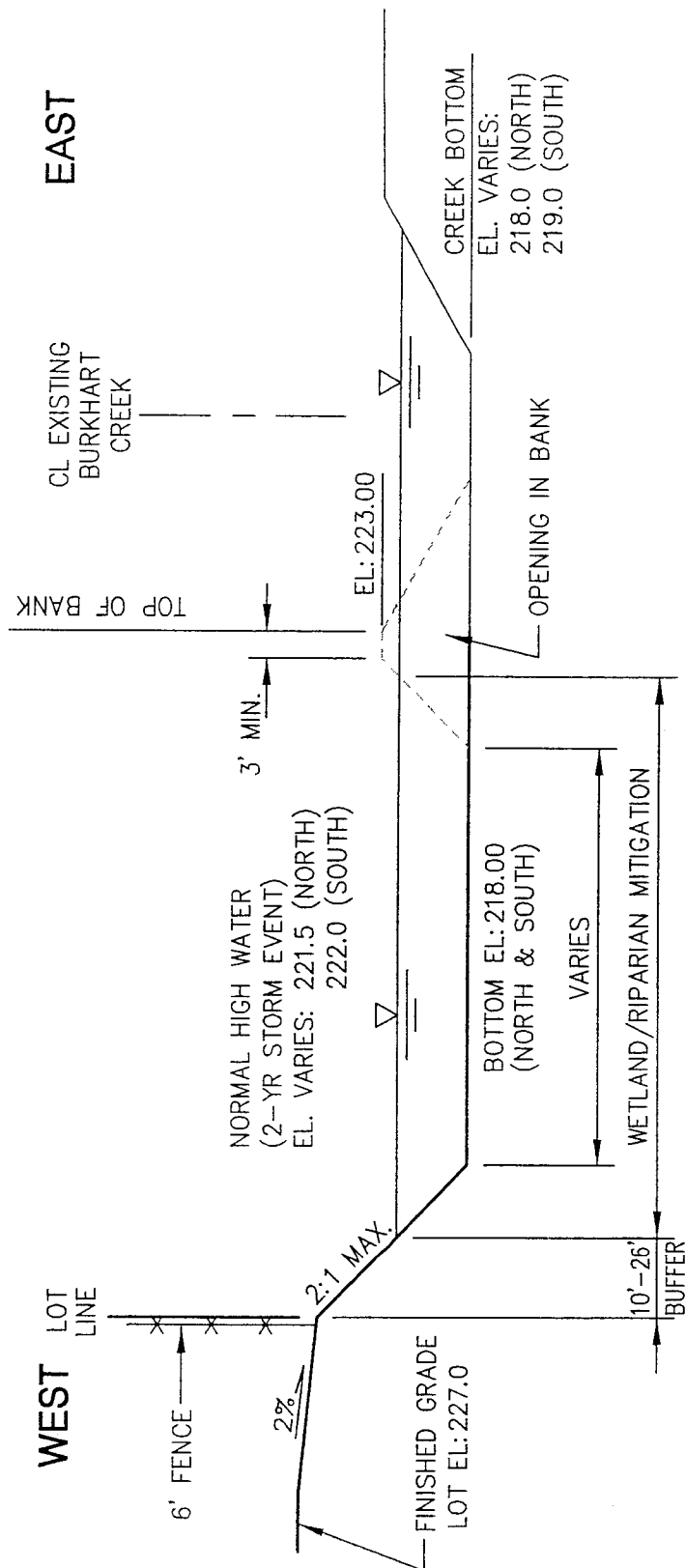
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WETLAND MITIGATION EXHIBIT BROOKSTONE ESTATES

D.R. Horton, Inc. - Portland

Albany, Oregon



TYPICAL SECTION B-B

Figure 13

SCALE: 1"=20' HORZ.
1"=10' VERT.

Corps File No. 200400399



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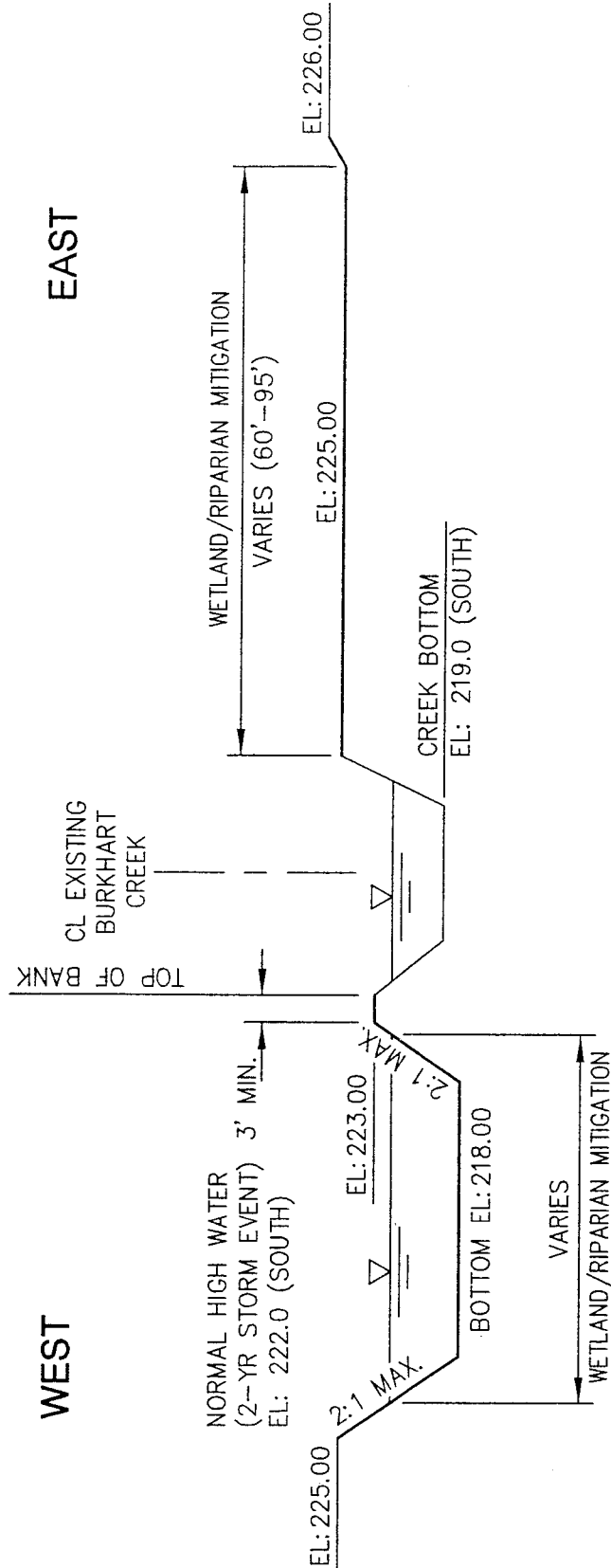
PROJECT NO. DRH3274

DATE: 05/12/04

BY: K. NORDIN

SCALE: AS NOTED

SHEET NO. WET-1B



TYPICAL SECTION C-C

Figure 14

SCALE: 1"=30' HORZ.
1"=10' VERT.

Corps File No. 200400399

PROJECT NO. DRH3274

DATE: 05/12/04

BY: K. NORDIN

SCALE: AS NOTED

SHEET NO. WET-1C



WETLAND MITIGATION EXHIBIT BROOKSTONE ESTATES

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D.R. Horton, Inc. - Portland
Albany, Oregon

PUBLIC NOTICE
Oregon Department of Environmental Quality
Water Quality 401 Certification

Corps of Engineers Action ID Number: 200400399
Oregon Division of State Lands Number: 32508

Notice Issued: August 11, 2004
Written Comments Due: September 10, 2004

WHO IS THE APPLICANT: DR Horton

LOCATION OF CERTIFICATION ACTIVITY: See attached U.S. Army Corps of Engineers public notice

WHAT IS PROPOSED: See attached U.S. Army Corps of Engineers public notice on the proposed project

NEED FOR CERTIFICATION: Section 401 of the Federal Clean Water Act requires applicants for Federal permits or licenses to provide the Federal agency a water quality certification from the State of Oregon if the proposed activity may result in a discharge to surface waters.

DESCRIPTION OF DISCHARGES: See attached U.S. Army Corps of Engineers public notice on the proposed project

WHERE TO FIND DOCUMENTS: Documents and related material are available for examination and copying at Oregon Department of Environmental Quality, Water Quality Division, 811 S.W. 6th Avenue, Portland, Oregon 97204

While not required, scheduling an appointment will ensure documents are readily accessible during your visit. To schedule an appointment please call Alice Kavajecz at (503) 229-6962.

Any questions on the proposed certification may be addressed to the 401 Program Coordinator at (503) 229-5845.

PUBLIC PARTICIPATION:

Public Hearing: Oregon Administrative Rule (OAR) 340-48-0020 (6) states that "The Director shall provide an opportunity for the applicant, any affected state, or any interested agency, person, or group of persons to request or petition for a public hearing with respect to certification applications. If the Director determines that new information may be produced thereby, a public hearing will be held prior to the Director's final determination. Instances of doubt shall be resolved in favor of holding the hearing. There shall be public notice of such a hearing."

Written comments:

Written comments on the proposed certification must be received at the Oregon Department of Environmental Quality by 5 p.m. on (full date). Written comments should be mailed to Oregon Department of Environmental Quality, Attn: 401 Program Coordinator, 811 S.W. 6th Avenue, Portland, Oregon 97204. ***People wishing to send written comments via e-mail should be aware that if there is a delay between servers or if a server is not functioning properly, e-mails may not be received prior to the close of the public comment period.*** People wishing to send comments via e-mail should send them in Microsoft Word (through version 7.0), WordPerfect (through version 6.x) or plain text format to 401publiccomments@deq.state.or.us. Otherwise, due to conversion difficulties, DEQ recommends that comments be sent in hard copy.

WHAT HAPPENS NEXT: DEQ will review and consider all comments received during the public comment period. Following this review, the permit may be issued as proposed, modified, or denied. You will be notified of DEQ's final decision if you present either oral or written comments during the comment period. Otherwise, if you wish to receive notification, please call or write DEQ at the above address.

ACCESSIBILITY INFORMATION: This publication is available in alternate format (e.g. large print, Braille) upon request. Please contact DEQ Office of Communications and Outreach at (503) 229-5317 or toll free within Oregon at 1-800-452-4011 to request an alternate format. People with a hearing impairment can receive help by calling DEQ's TTY at (503) 229-6993.

PUBLIC NOTICE

OREGON COASTAL MANAGEMENT PROGRAM

CONSISTENCY CERTIFICATION

Date: June 11, 2004

Corps of Engineers Action ID Number: 200400399

Oregon Division of State Lands Number: 32508

Notification

For projects subject to coastal zone review, notice is hereby given that the project is being reviewed by the Department of Land Conservation and Development (DLCD) as provided in Section 307(c) of the Coastal Zone Management Act. The applicant believes that the activities described in the attached materials would comply with and be conducted in a manner consistent with the Oregon Coastal Management Program. Project information can be made available for inspection at DLCD's Salem office.

DLCD is hereby soliciting public comments on the proposed project's consistency with the Oregon Coastal Management Program. Written comments may be submitted to DLCD, 635 Capital St. NE, Suite 200, Salem, OR 97301-2540, attention consistency review specialist. Any comments must be received by DLCD on or before the comment deadline listed in the federal notice. For further information, you may call DLCD at (503) 373-0050, ext. 250.

REVIEW CRITERIA

Comments should address consistency with the applicable elements of the Oregon Coastal Management Program. These elements include:

- Acknowledged Local Comprehensive Plans & Implementing Ordinances
- Statewide Planning Goals
- Applicable State Authorities (e.g. Removal-Fill Law and Oregon Water Quality Standards)

INCONSISTENT?

If you believe this project is inconsistent with the Oregon Coastal Management Program, your comments to DLCD should explain why you believe the project is inconsistent and should identify the Oregon Coastal Management Program element(s) in question. You should also describe how the project could be modified, if possible, to make it consistent with the Oregon Coastal Management Program.